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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,029	03/28/2001	Jeffrey Wissing	NC17377	3683

7590 09/22/2004

NOKIA INC.
ATTN: WAYNE DeMELLO
6000 CONNECTION DRIVE
IRVING, TX 75039

EXAMINER

WAHBA, ANDREW W

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/820,029

Applicant(s)

WISSING ET AL.

Examiner

Andrew W Wahba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-13 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/28/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C.

121:

- I. Claims 1-6, drawn to assembly or disassembly of messages having address headers, classified in class 370, subclass 474.
- II. Claims 7-13, drawn to bypass or inoperative switch or inoperative element in a switching system, classified in class 370, subclass 217.

During a telephone conversation with Douglas Goldhush on 09/16/2004 a provisional election was made with traverse to prosecute the invention of Group II, claims 7-13. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-6 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because of the following:

- a. Reference to element 315 refers to FSAM 315 (abstract, line 1) and PAD 315 (abstract, line 9).
- b. Element 315 does not appear in the drawings.
- c. Each and every element in the drawings must be labeled; both CPUs in Figure 3 are not labeled.

- d. Applicant is advised to look for and correct similar informalities.

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 9-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 9, the applicant claims "energizing a relay to ..., providing the line has an on-hook condition" (lines 5-6). It is not clear whether the phrase "providing ..." (line 6) is intended to be a condition for "energizing ..." (line 5).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under

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the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Tate et al (US Patent 6,400,803). Tate et al discloses a method and apparatus for routing an incoming call at a CPE to a POTS outlet when DSL modem is in lifeline mode as illustrated in FIG 3 (column 4, lines 28-32).

With regard to claims 7 and 8, Tate et al discloses a CPE 300 that operates in a normal mode and a lifeline mode. Upon loss of power (local current detector/removal of power), switch/relay 301 (means for providing/relay operable) are arranged to default to provide a direct connection between the subscriber loop port 340 to subscriber ports 351-4. As a result the DSL modem 310 (master DSL modem) is bypassed (quiescent state).

7. Claims 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Verbin et al (US Patent 6,520,744).

With regard to claim 9, Verbin et al discloses an off-hook detector 117 (detecting) that detects if either or both telephone instruments 109 and 110 connected by way of DSL 103 (customer premise line) go to an off-hook state (column 5, lines 1-5). If the off-hook detector detects a change in the hookswitch status it passes a signal (energizing) to the ADSL modem 107 (DSL modem) (column 5, lines 20-25).

With regard to claim 10, Verbin et al discloses that closure of a hookswitch (off-hook condition) causes considerable current (current drain) to flow through the subscriber loop (column 5, lines 5-17).

With regard to claim 11, it is inherent that the CO 102 has a processor and that it would be turned on (booting).

With regard to claim 12 and 13, Verbin et al discloses an off-hook detector 117 (detecting) that detects if either or both telephone instruments 109 and 110 connected by way of DSL 103 (customer premise line/line/subscriber line) go to an off-hook state (column 5, lines 1-5). An interface (SLIC) between the CO 102 and DSL 103 is inherent for communication between these two disclosed elements to occur. If the off-hook detector detects a change in the hookswitch status it passes a signal (energizing) to the ADSL modem 107 (DSL modem) (column 5, lines 20-25).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W Wahba whose telephone number is (571) 272-3081. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth N Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Wahba

AW

September 16, 2004

Chau T. Nguyen

CHAU NGUYEN
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